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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-720

13 **DEBORAH LYNNE FINKS**

A C C U S A T I O N

14 **12838 Loop Court**
Granger, Indiana 46530

15 **Registered Nurse License No. 636559**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about April 26, 2004, the Board issued Registered Nurse License Number
23 636559 to Deborah Lynne Finks ("Respondent"). The Registered Nurse License expired on June
24 30, 2005 and has not been renewed.

25 **JURISDICTION**

26 3. Section 2750 of the Business and Professions Code (all section references will be to
27 the Business and Professions Code unless otherwise noted) provides, in pertinent part, that the
28 Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the
6 Board may renew an expired license at any time within eight years after the expiration.

7 5. Section 118 subdivision (b) grants the Board jurisdiction over suspended, expired,
8 forfeited, cancelled, or surrendered licenses:

9 "The suspension, expiration, or forfeiture by operation of law of a license
10 issued by a board in the department, or its suspension, forfeiture, or cancellation by
11 order of the board or by order of a court of law, or its surrender without the written
12 consent of the board, shall not, during any period in which it may be renewed,
13 restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground."

14 STATUTES

15 6. In pertinent part, section 2761 authorizes the Board to discipline registered nurses for
16 misconduct in another state:

17 "The board may take disciplinary action against a certified or licensed
18 nurse or deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, which includes, but is not limited to, the
20 following:

21 ...

22 (4) Denial of licensure, revocation, suspension, restriction, or any other
23 disciplinary action against a health care professional license or certificate by another
state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action."

24 COST RECOVERY

25 7. Section 125.3 authorizes the Board to request the administrative law judge to direct a
26 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
27 to exceed the reasonable costs of the investigation and enforcement of the case and authorizes the
28 Board to recover those costs in any settlement agreement.

1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Actions by the Indiana Board of Nursing)**

3 8. Respondent is subject to discipline under section 2761, subdivision (a)(4) for
4 unprofessional conduct because she was disciplined by the Indiana Board of Nursing as follows:

5 9. On or about June 1, 2010, in the disciplinary action entitled *In the Matter of the*
6 *License of Deborah Lynne Finks, R.N., License No.: 28136326A*, the Indiana Board made
7 findings of facts, made conclusions of law, and issued an order indefinitely suspending
8 Respondent's Indiana nursing license for 20 years

9 10. The Indiana Board found that while working at a dialysis clinic in Mishawaka,
10 Indiana in 2005 Respondent had falsified her time records. It also found she had acted rudely and
11 inappropriately with patients and staff at that job.

12 11. The Indiana Board also found that while working as a temporary nurse at a
13 rehabilitation center in South Bend, Indiana in 2008 Respondent had been seen "thumping" a
14 patient on the nose to wake the patient. The employer investigated and found that Respondent
15 had made medication administration errors with other patients and verbally and physically abused
16 other patients. She was asked not to return to the facility.

17 12. The Indiana Board concluded Respondent had engaged in fraud or material deception
18 in the course of professional services or activities and had become unfit to practice due to her
19 unsafe judgment and inappropriate interpersonal behaviors.

20 13. As a result of that conclusion, the Indiana Board ordered her Indiana license
21 disciplined by indefinitely suspending it for 20 years. It also ordered her to undergo a
22 psychological evaluation within 60 days of her request for reinstatement.

23 14. Under Section 2761, subdivision (a)(4), the Indiana Board's disciplinary actions
24 against Respondent in June 2010 is grounds for the California Board to take its own disciplinary
25 action.

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PRAYER

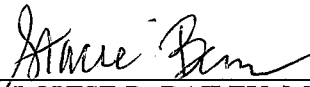
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 636559, issued to Deborah Lynne Finks;

2. Ordering Deborah Lynne Finks to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code Section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: March 7, 2013



LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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